IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIRST DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and

THE HON'BLE SRI JUSTICE B.SESHASAYANA REDDY

WRIT PETITION No.6551 of 2005

Between:

B. Anjaneyulu, S/o Late Sri B. Atchaiah,
Aged about 57 years, Occ: Employee,

and R/o B-139/11, Near Alwal Railway Station,
Secunderabad.

..... PETITIONER

AND

1 The Secretary, Law (W.A. & J,- (Home Courts-D) Department,
Government of Andhra Pradesh, Secretariat, Hyderabad.
2 The Secretary, Finance and Planning,
Government of Andhra Pradesh, Secretariat, Hyderabad.
3 The Secretary, Medical and Health Department,
Government of Andhra Pradesh, Secretariat, Hyderabad.
4 The Registrar (Admn), High Court of Andhra Pradesh, Hyderabad.
5 The Chief Judge, City Civil Court, Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of Mandamus or other appropriate order or direction in the nature of a writ declaring that the ceiling limit as imposed under G.O.Ms.No.58 is not applicable to the petitioner herein, a judicial employee or in the alternative declare G.O.Ms.No.58 dated 1-3-2002 as null and void and inoperative so far as it is repugnant to APJMA

Rules 1972 and violative of Articles 14 and 21 of the Constitution of India and also as it is made without consulting this Hon'ble Court and also to declare the action of the 1st respondent in relaxing G.O. to some and in not relaxing the same to petitioner herein as arbitrary , discriminatory and violative of Articles 14, 16 , 19 and 21 of Constitution of India and consequently direct the respondents 1 to 3 to pay a sum of

Rs.1,02,373-72 ps being the amount disallowed towards medical expenses by letter dated 14-5-2003 bearing L.Dis.No. 6565 of the Director of Medical Education, Hyderabad, and also direct respondents 1 to 3 to pay the follow-up medical treatment as per the bills produced by petitioner and pass such other or further orders as this Hon'ble Court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner : Sri B.NALIN KUMAR

Counsel for the Respondents : Sri C.V.Nagarjuna Reddy for R-4 & R-5

Govt. Pleader for Home for R-1

Govt. Pleader for Finance & Planning for R-2

Govt. Pleader for Medical Health & Family Welfare for R-3

The Court at the admission stage made the following :

W.P.No.6551 of 2005

HCJ & BSSR, J

ORAL ORDER: (Per Hon'ble the Chief Justice)

Petitioner is questioning the order of the Director of Medical Education dated 14th May, 2003. By the said communication, the petitioner's reimbursement of medical expenses was limited to only Rs.80,000/- after making 20% deduction in terms of G.O.Ms.No.175 HM and FW (K1) Department dated 29th May, 1997, whereas admissible amount was found to be Rs.1,71,030-25 ps., and after restricting to the ceiling limit of Rs.1,00,000/- and making deduction of 20% thereon,
Rs.80,000/- was held to be the admissible amount.

We have heard learned counsel for the parties. Learned counsel for the respondents states that the matter is covered by the judgment of another Division Bench of this Court in Writ Petition No.4729 of 2002 dated 08th December, 2004.

Relying on the said decision, we allow the writ petition and set aside the impugned order with direction to the first respondent to re-consider the matter and pass appropriate orders afresh for reimbursement in the light of the said decision. Appropriate decision will be taken within two months from the date of receipt of this order from the Court. No costs.

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DEVINDER GUPTA, C.J.

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B.SESHASAYANA REDDY, J

01-04-2005

bsc

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Secretary, Law (W.A. & J,- (Home Courts-D) Department

Government of Andhra Pradesh, Secretariat, Hyderabad. Enclosing along
2 The Secretary, Finance and Planning, with copy of

Govt. of Andhra Pradesh, Secretariat, Hyderabad. Judgment dated
3 The Secretary, Medical and Health Department, 8.12.2004 made
Government of Andhra Pradesh, Secretariat, Hyderabad. in W.P.No.4729
4 The Registrar (Admn), High Court of Andhra Pradesh, of 2002 to
Hyderabad. R-1 to R-9

5 The Chief Judge, City Civil Court, Hyderabad.

6. 2 CCs to the Govt. Pleader for Home, High Court buildings, Hyderabad (OUT).

7. 2 CCs to the Govt. Pleader for Finance & Planning, High Court buildings, Hyderabad (OUT).

8. 2 CCs to the Govt. Pleader for Medical Health & Family Welfare, High Court buildings, Hyderabad (OUT)

9. 2 CD copies